

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

GEORGE MERCIER,

Plaintiff,

v.

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT, *et al.*,

Defendants.

Case No. 2:06-CV-00147-KJD (PAL)

**ORDER**


Before the Court for consideration is the Findings and Recommendation (#4) of Magistrate Judge Peggy A. Leen entered May 9, 2006, recommending that Plaintiff's Complaint be dismissed pursuant to Rule 41(b) of the Federal Rules of Civil Procedure. The parties had ten days from receipt to file objections to the Findings and Recommendation. See 28 U.S.C. § 636(b)(1)(C). The time to file objections has passed and neither party has filed such. Moreover, the Court has reviewed the record in this case in accordance with 28 U.S.C. § 636(b)(1)(C) and Local Rule LR IB 3-2. The Court determines that the Findings and Recommendation of the United States Magistrate Judge entered May 9, 2006, should be adopted. On March 28, 2006, the Court directed the Clerk of the Court to file Plaintiff's complaint and ordered the complaint dismissed for failure to state a claim upon which relief can be granted. The Court, however, accorded Plaintiff thirty days to file an

1 amended complaint. Plaintiff has yet to file the amended complaint. Rule 41(b) dismissal is now  
2 appropriate. See Malone v. United States Postal Serv., 833 F.2d 128, 130 (9th Cir. 1987).

3 Accordingly, IT IS HEREBY ORDERED that the Findings and Recommendation (#4) of  
4 Magistrate Judge Peggy A. Leen entered May 9, 2006, is **APPROVED** and **ADOPTED**.

5 IT IS FURTHER ORDERED that Plaintiff's complaint is **DISMISSED**.

6 DATED this 1st day of June 2006.

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10 Kent J. Dawson  
United States District Judge  
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